

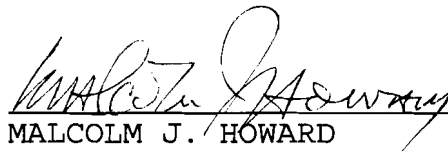


petitioner's current motion before the court is appropriately classified as a second or consecutive § 2255 petition.

"A second or successive motion must be certified . . . by a panel of the appropriate court of appeals . . . ." 28 U.S.C. § 2255; accord United States v. Lawton, No. 03-7290, 2003 U.S. App. LEXIS 26174, at \*\*1 (4th Cir. Dec. 23, 2003) (per curiam) (affirming in its unpublished opinion the district court's dismissal of a successive motion to vacate for lack of certification as required by § 2255).

Thus, petitioner's motion [DE #64] is hereby DISMISSED for lack of jurisdiction. This dismissal is without prejudice to petitioner's right to apply to the Fourth Circuit for leave to file a second or successive § 2255 petition.

This 28<sup>TH</sup> day of June 2010.

  
MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
GEB